

Campground Regulations Workgroup

Meeting Minutes

June 2, 2014, 1:00 p.m.

The campground section of the Public Health Code, 1978 PA 368, Part 125 (Act) has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

Abbreviations

Abbreviations used throughout the minutes and other correspondence. Other less used abbreviations will be set in the context of the location where it is used, many of which are in the Attendance following.

- Act means the campground sections of Part 125 of the Public Health Code, 1978 PA 1968 as amended
- ARVC-MI means the Association of RV Parks and Campgrounds of Michigan
- CG means campground
- DEQ means the Michigan Department of Environmental Quality
- DNR means the Michigan Department of Natural Resources
- LARA means the Michigan Department of Licensing and Regulatory Affairs
- LHD means local health department
- MARVAC means Michigan Association of Recreation Vehicles and Campgrounds
- MDARD means the Michigan Department of Agriculture and Rural Development
- Rules means the Michigan Campground Rules
- RV means recreational vehicle
- Workgroup means the Campground Regulations Workgroup

Attendance

The fifth meeting of the Campground Regulations Workgroup (Workgroup) convened at 1:10 p.m. Members and guests attending this meeting were:

- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH) by teleconference
- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR)
- Richard A. Falardeau, P.E., DEQ, Chief, Environmental Health Programs Unit
- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- Bob Garcia, Family Motor Coach Association
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Jim Horan, Sunnybrook RV Resort, representing MARVAC
- Mary Kusion, Mary Kusion Consulting
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Carrie Monosmith, Chief, Environmental Health Section
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)

Guests

- None

Members Absent

- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- David Cordray, White River Campground, representing ARVC-MI
- Debra Duffy, Family Campers & RVs
- Eric Pessel, Environmental Health Director, Kent County Health Department, representing Michigan Association of Local Environmental Health Administrators (MALEHA)
- Rob Pirsein, P.E., Midwest Civil Engineers, PC
- Bill Sheffer, Director, MARVAC
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance
- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

Invited Stakeholders Not Present

- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- Larry Lehman, Michigan Department of Licensing and Regulatory Affairs (LARA)
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)
- Rick Miller, State Fire Marshall, LARA Bureau of Fire Services

Introductions and Minutes

DEQ staff presented a brief summary of the previous meeting. The reference to Amy Epkey attending this meeting was removed. The minutes of the April 28, 2014 meeting were approved with this change.

Definitions in the Act and Rules

The workgroup continued a systematic discussion of the Act, Section 12501 Definitions. Subsection (1)(f) defines “recreational unit”. As begun in our previous meeting, the workgroup continued discussion of adding cabins in the definition of a recreational unit. A “camping cabin” is defined in Rule 1, but not in the Act. This definition should be moved here or be placed in a new subsection (f)(vii). The rules should state that cabins are allowed or are not allowed on licensed campsites. The workgroup agreed that cabins should be allowed on licensed sites but did not want to have the CG Act and rules regulate resorts that only consist of cabins.

The workgroup asked that DEQ staff develop a definition for cabin in the Act with the definition expanded in the rules for the next meeting. The workgroup discussed whether or not cabins should have a direct connection to a source of water, but decided that this really does not matter. Building codes and local ordinances dictate if this allowed. If the cabin is required to be on skids, then fewer approvals are required. A local code may not allow water inside if the structure is on a skid. Personal property tax is required for cabins and other structures that cannot be relocated. If a licensed campsite can accommodate a recreational unit such as a park model that is directly connected to the water supply, then why should a site with a movable cabin not be licensed?

Since RVs and manufactured shower and toilet facilities already are constructed to various recognized standards or have third party certifications, cabins should at least have a third party inspection for approval of concealed electric and water, meeting fire codes, and for heating if applicable. The LHD would not be required to perform these inspections but should check for electrical and plumbing approvals and certifications.

The workgroup agreed to the changes and deletions made to subsection (f)(iv) for truck campers, the added subsection (f)(v) for fifth-wheel trailers, and the added subsection (f)(vi) for park trailers or park models.

The workgroup discussed proposed subsection (g) on not allowing mobile homes as a recreational unit. The workgroup agrees that MHs should no longer be allowed on licensed campsites. However, since there are many preexisting mobile homes on campsites that would not conform to this new requirement, rather than setting a fixed 5-year period for removal that would be difficult to enforce, it would be better to require removal upon the vacating of the site. Vacating could mean when the MH can no longer be safely occupied or when the MH is sold.

The workgroup discussed proposed subsection (h) on sites and agreed that at least the first sentence be moved into this new section. The second sentence describing other acceptable terms for a site and any other issues relating to sites should stay in the current rule.

The workgroup then discussed proposed subsection (i) on structures. Since structures on campground sites have been an issue for many years, no definition was proposed for discussion. Although structures are mentioned in the Act and rules, only Rule 6 actually discusses them. Rule 6 (4) "A campground owner shall locate recreational units or other structures, such as sheds and awnings, to provide an unobstructed path which is not less than 4 feet wide and which extends completely around the recreational unit. A campground owner shall ensure that a permanent structure requiring footings is not located on a campsite." What is a structure? What non-RV structures are allowed? Rule 6 only mentions sheds and awnings, but does not mention RV add-ons such as 3-season rooms, porches, and decks. Are any of these structures actually problems? The main reason that the rules prohibit permanent structures is to ensure that an RV (designed only for temporary living quarters) is not added onto or modified into a permanent residence.

For the most part, CG owners control structures by limiting construction to structures that require minimal permits and would not add to their personal property tax. The Act and rules for structures should be simple and provide for basic environmental health and safety protection. The problem is that there are a significant percentage of CG owners who have not controlled structures on campsites and have allowed their seasonal renters to add rooms to RVs that are much closer than 4 feet from the next adjacent RV, have modified their RV by adding a roof or other structure so that it can no longer be classified as an RV, by adding a stick built second story over an RV, by adding more than one room to an RV constructed in such a way that the RV cannot be moved without damage to the RV, etc. These are issues for private CGs where seasonal occupancy is allowed. DNR parks limit stays to 2 weeks so structures on CG sites are not an issue for them.

A simple definition for structure is needed so that the Act and rules are sufficiently clear for DEQ and local building department purposes. The rules must allow control of structures to be left with the owners as much as possible and still maintain basic public health and safety. It was mentioned that the National Fire Protection Association has a definition of structure. They also have set back requirements and percent of lot coverage requirements. It is important to require spacing between structures and percentage of lot coverage to be consistent with the fire code.

The workgroup asked why structures with footings are prohibited. One problem created by structures with footings is when an RV is modified by attached structures so that it is no longer a legal RV. This creates the situation where an occupied licensed campsite no longer has an RV. Another problem is when permanent structures, i.e. structures that require a footing, are added, there is a tendency for these to turn into a permanent residence. Both of these are issues at CGs where the owner has not exercised control.

The workgroup also asked if it really mattered if the RV “grew” if campsite occupancy is limited to 8 people. When the CG owner maintains control, this is not an issue. However, when the CG owner does not maintain control, seasonal renters tend to want to expand “their property”. A deck is added. Then that is enclosed to give more sleeping space. Then another deck is added. Then that is enclosed. There needs to be an overall limitation of the total area of structures on an RV site.

The workgroup asked that DEQ staff work on structure definitions for the Act and rules.

The workgroup then discussed proposed subsection (j) defining temporary living quarters. This definition was taken from the definition of a temporary mobile home park. Some discussion ensued about eliminating “temporary” from here and other sections of the Act because of the difficulty to defend and enforce. The temporary nature of camping is well understood and it is essential to retain this distinction throughout the Act and rules. The RV industry strictly defines every RV as temporary living quarters and designs them accordingly. Removing temporary would essentially allow permanent occupancy of RVs over the explicit statements to the contrary from the RV industry. Since a CG must have a source of water supply, if temporary is removed, then Type I, permanent water supplies would be required with substantially increased requirements to comply. “Temporary” will be retained here and elsewhere.

The workgroup further discussed the specific limitation of allowing of a campsite for not more than 15 consecutive days in any 30-day period from November 1 through March 31. The thought was to simply allow intermittent occupancy for the remainder of the year rather than having details that may be more difficult to enforce. DEQ staff will develop alternative language for this for the workgroup to review.

Campground Program Budget and Fees

The workgroup asked DEQ staff to make some specific proposals for a revised fee schedule to report for the next meeting.

Assignments

- Keith Cheli will search for a definition of a yurt.
- Paul Maitre will research the NFPA rules related to structures.
- DEQ staff will look into making specific proposals related to CG program fees.

Next Meeting

The next meeting was set for Monday, July 7, 2014, at 1:00 p.m. in Lansing, McCauley Conference room, 4 South, Constitution Hall. The following meeting is set for and Aug 11 with a possible next date of September 15. The teleconference phone number, and agenda will be sent to workgroup members later.

The workgroup meeting was adjourned at 3:47 p.m.

Attachment

Respectfully submitted,
Paul D. Sisson
June 27, 2014